

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

)
) MDL No. 1456
) Master File No. 1:01-CV-12257-PBS
) Sub-Category Case No. 1:08-CV-11200
)

THIS DOCUMENT RELATES TO:
*United States ex rel. Linnette Sun and Greg
Hamilton, Relators*
v.
*Baxter Hemoglobin Therapeutics and Baxter
International Inc.*

) Judge Patti B. Saris
)
)
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)

**DECLARATION OF RUCHI JAIN IN SUPPORT OF
BAXTER INTERNATIONAL INC.'S REPLY**

I, RUCHI JAIN, duly declare under penalty of perjury as follows:

1. I am an attorney at law admitted to practice in the State of New York and the District of Columbia and am an attorney in the law firm of Dickstein Shapiro LLP, counsel for Defendant Baxter International Inc. I am familiar with all of the facts and circumstances herein. I make this declaration in support of Baxter International Inc.'s Reply in Further Support of Its Motion to Dismiss Relators' Complaint in the above-captioned action.

2. Attached hereto as Exhibit A is a true and correct copy of the Transcript of the June 22, 2009 Motion Hearing in *United States ex rel. Linnette Sun and Greg Hamilton, Relators v. Baxter Hemoglobin Therapeutics and Baxter International Inc.*

3. Attached hereto as Exhibit B is a true and correct copy of the complaint in *Digel v. Abbott Labs., et al.*, Case No. CT-007177-02 (Tenn. Cir. Ct., 30th Jud. Dist., Dec. 18, 2002).

4. Attached hereto as Exhibit C is a true and correct copy of the Complaint in *People of the State of Illinois v. Abbott Labs., et al.*, Case No. 05 CH 02474 (Cir. Ct. Cook Cty. Feb. 7, 2005).

5. Attached hereto as Exhibit D is a true and correct copy of the First Amended Complaint in *State of Wisconsin v. Amgen Inc., et al.*, Case No. 04-CV 1709 (Cir. Ct. Wisc. Nov. 1, 2004).

6. Attached hereto as Exhibit E is a true and correct copy of the First Amended Complaint in *Nevada v. Abbott Labs., Inc., et al.*, Case No. 02-00260, Dept. No. 8 (2d Jud. Dist. Ct., County of Washoe, Oct. 31, 2003).

7. Attached hereto as Exhibit F is a true and correct copy of the Declaration of Larry Guiheen.

8. Attached hereto as Exhibit G is a true and correct copy of the Declaration of Peter O'Malley.

I hereby swear that the foregoing statements are true to the best of my knowledge, information, and belief.

Dated: September 30, 2009

/s/ Ruchi Jain
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CERTIFICATE OF SERVICE

I hereby certify that I, Ruchi Jain, an attorney, electronically filed the foregoing DECLARATION OF RUCHI JAIN IN SUPPORT OF BAXTER INTERNATIONAL INC.'s REPLY with the Clerk of the Court for the District of Massachusetts using the Court's CM/ECF system on September 30, 2009. I also caused a true and correct copy of the foregoing document to be delivered to all counsel of record by electronic service via LexisNexis File & Serve, for posting and notification to all parties. In addition, the individuals listed below were served via U.S. Mail.

/s/ Ruchi Jain

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